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10/531,817	04/19/2005	Toshiyuki Fukushima	MTS-3550US	3849
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RATNERPRESTIA			EXAMINER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/531,817

**Applicant(s)**

FUKUSHIMA ET AL.

**Examiner**

Kezhen Shen

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claim 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Regarding amended claims of 17 and 19, applicant argues against Tadayuki teaching a volatile and non-volatile memory used for memory and two memories, one which is the as a non-volatile memory and the other as a volatile buffer memory. Examiner understands these differences between the prior art and applicant's specification, however these limitations have not been claimed. Regarding claims 17 and 19, a volatile buffer memory within the drive device and control device which includes memory are claimed, however there is no indication of a difference between the two memories. Examiner will interpret the claims in the broadest and view the volatile buffer memory the same as the memory within the control device. Examiner recommends further defining the two memories and their relationship within the replaying apparatus.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tadayuki et al. JP 8-329469 A.

Regarding claim 17, Tadayuki et al. teach a replaying apparatus, comprising: a drive device housing an optical disk (Drawing 1) and a control device connected to said drive device (Drawing 1), wherein said drive device has: a volatile buffer memory (47 of Drawing 1, [0081] volatile memory SRAM); a calculation unit which calculates the information for adjustment processing of the housed optical disk (24 of Drawing 1, [0022]-[0023], [0081]-[0083] CPU calculates information on the memory); a calculated information recording unit which records the calculated information for adjustment processing as a first adjustment information in said volatile buffer memory (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0107] recording parameters is recorded in the memory by CPU); a calculated information transmitting unit which transmits the calculated information for adjustment processing to said control device (24 of Drawing 1, [0022]-[0023], [0081]-[0083] CPU obtains the recording parameters then determines how this information is handled); an acquiring unit; a buffer recording unit; an optical disk control unit; and said control device has: a memory (47 of Drawing 1 [0022]), a memory recording unit which acquires an information for adjustment processing of the optical disk housed in said drive device and records the acquired information in said memory (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083] recording parameters and disk ID is saved into the memory by the CPU); and a transmitting unit (24 and 47 of Drawing 1, [0022]-[0023]), wherein, when recording or replaying in said drive device is resumed after supply of power to said drive device is suspended, ([0081]-[0084]) said transmitting unit transmits the information for adjustment processing recorded in said memory to said drive device (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083]

recording parameter is stored in memory and controlled by the CPU), said acquiring unit acquires the information for adjustment processing transmitted from said control device (24 of Drawing 1, [0022]-[0023], [0081]-[0083] CPU obtains recording parameters), and said buffer recording unit records the acquired information for adjustment processing as a second adjustment information in said volatile buffer memory (24 and 47 of Drawing 1, [0022], [0082] CPU obtains disk ID and recorded this information in the memory), and wherein, even when the supply of power to said drive device is suspended, information recorded in said memory is maintained ([0081]-[0084] information is recorded into memory), and said optical disk control unit controls the housed optical disk according to the first adjustment information or the second adjustment information recorded in said volatile buffer (24 of Drawing 1, [0022]-[0023], [0052]-[0054], [0104]-[0106] CPU controls disk ID and recording parameters stored on the memory).

Regarding claim 18, Tadayuki et al. teach the replaying apparatus according to claim 17, wherein, said optical disk control unit of said control device controls a recording or replaying of the housed optical disk according to the first adjustment information or the second adjustment information (24 of Drawing 1, [0022]-[0023] [0052], [0081]-[0084] CPU controls the recording of disk ID and recording parameters on memory).

Regarding claim 19, Tadayuki et al. teach a replaying apparatus, comprising: a drive device housing an optical disk (Drawing 1) and a control device connected to said drive device (Drawing 1), wherein said drive device has: a volatile buffer memory (47 of Drawing 1, [0081] volatile memory SRAM); a calculation unit which calculates the

information for adjustment processing of the housed optical disk (24 of Drawing 1, [0022]-[0023], [0081]-[0083] CPU calculates information on the memory); an identification information acquiring unit which acquires the identification information of the housed optical disk ([0022] Disk ID); a calculated information recording unit which records the calculated information for adjustment processing as a first adjustment information in said volatile buffer memory (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0107] recording parameters is recorded in the memory by CPU); a paired information transmitting unit which transmits the calculated information for adjustment processing and the acquired identification information as a paired information to said control device (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0106] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected); an identification information transmitting unit; a buffer recording unit; an optical disk control unit; and said control device has: a memory (47 of Drawing 1 [0022]), a memory recording unit which acquires a pair of information including an identification information (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083] recording parameters and disk ID is saved into the memory by the CPU), and an information for adjustment processing of the optical disk housed in said drive device and records the acquired pair of information in said memory (24 of Drawing 1, [0022]-[0023] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected), a transmitting unit(24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0106] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected) wherein, when

recording or replaying in said drive device is resumed after supply of power to said drive device is suspended ([0081]-[0084]) said identification information transmitting unit transmits the acquired identification information of the optical disk housed in said drive device to said control device (24 of Drawing 1, [0022]-[0023] CPU), said transmitting unit acquires the transmitted identification information from said drive device and transmits, to said drive device, the information for adjustment processing which corresponds to the acquired identification information in the case that the corresponding information for adjustment processing is recorded in said memory (24 and 47 of Drawing 1, [0022]-[0023], [0081]-[0083], [0104]-[0106] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected), said acquiring unit acquires the information for adjustment processing transmitted from said control device (24 of Drawing 1, [0022]-[0023] CPU and [0022] Disk ID), and said buffer recording unit records the acquired information for adjustment processing as a second adjustment information in said volatile buffer memory (24 and 47 of Drawing 1, [0022], [0082] CPU obtains disk ID and recorded this information in the memory), and wherein, even when the supply of power to said drive device is suspended, information recorded in said memory is maintained ([0081]-[0084] information is recorded into memory), and said optical disk control unit controls the housed optical disk according to the first adjustment information or the second adjustment information recorded in said volatile buffer (24 of Drawing 1, [0022]-[0023], [0052]-[0054], [0104]-[0106] CPU controls disk ID and recording parameters stored on the memory).

Regarding claim 20, Tadayuki et al. teach the replaying apparatus according to claim 19, wherein, said optical disk control unit of said control device controls a recording or replaying of the housed optical disk according to the first adjustment information or the second adjustment information (24 of Drawing 1, [0022]-[0023] [0052], [0081]-[0084] CPU controls the recording of disk ID and recording parameters on memory).

Regarding claim 21, Tadayuki et al. teach the replaying apparatus according to claim 17, wherein said control device is configured to control said drive device to supply power to said volatile buffer memory ([0081]), said transmitting unit transmits the information for adjustment processing to said acquiring unit which is then recorded in said volatile buffer memory ([0082] – [0083]).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/  
Examiner, Art Unit 2627

/Joseph H. Feild/  
Supervisory Patent Examiner, Art  
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